

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-16179 - APPLICANT/OWNER: YIN YAN & PETER CHUNG

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. Conformance to the conditions for Variance (VAR-16181), Variance (VAR-17191) and Site Development Plan Review (SDR-16180), if approved.

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application seeks a rezoning of the subject property located at 5104 Mountain View Drive from R-3 (Medium Density Residential) to C-1 (Limited Commercial). A companion Site Development Plan Review (SDR-16180), Variance (VAR-16181) and Variance (VAR-17191) have been filed with this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/21/06	The Planning Commission recommended denial of companion items VAR-16181, VAR-17191 and SDR-16180 concurrently with this application. The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #13/rl).
<i>Pre-Application Meeting</i>	
08/04/06	At a Pre-application meeting, the applicant was informed that the proposed office development will require a Rezoning, a Site Development Plan Review, and a Variance for residential adjacency for a trash enclosure.
<i>Neighborhood Meeting</i>	
	A Neighborhood Meeting is not required for this application, nor was one held.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.26

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Duplex	SC (Service Commercial)	R-3 (Medium Density Residential)
North	Office	SC (Service Commercial)	SC (Service Commercial)
South	Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Service Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District – 200 Foot Buffer	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	0.26 Acres	Y
Min. Lot Width	100 SF	87.77 SF	N*
Min. Setbacks			
• Front	20 Feet	15Feet	N**
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	NA	NA
• Rear	20 Feet	15 Feet	N**
Max. Lot Coverage	50%	27%	Y
Max. Building Height	2 Stories 35 Feet	1 Story 25 Feet including Parapet	Y
Trash Enclosure	50 Feet	6 Feet	N**
Mech. Equipment	Screened	Yes	Y
<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	56.25 Feet	77.25 Feet	N**
Adjacent development matching setback	15 Feet	15 Feet	Y
Trash Enclosure	50 Feet	6 Feet	N**

* Addressed in companion Variance (VAR-17191)

** Addressed in companion Variance (VAR-16181)

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-3 (Medium Density Residential)	13-25 2 units on subject site	6 units/acre 2 units on subject site	C-1 (limited Commercial)	0	SC (Service Commercial)	0

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	1 Tree	1 Tree	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	17 Trees	14 Trees	N***
TOTAL		18 Trees	15 Trees	N***

Min. Zone Width			
• East	15 Feet	5 Feet	N***
• Others	8 Feet	5 Feet	N***
Wall Height	6-8 Feet	Not Shown	

*** Requested Waivers in companion Site Development Plan Review (SDR-16180)

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	3,000 SF	1/300 SF	9	1	9	1	Y
TOTAL			10		10		Y

Waivers		
Request	Requirement	Staff Recommendation
No Landscaping Buffer along south property line	8 -foot Buffer	Denial
5-foot Buffer along a 41-foot portion of the 110-foot west property lines	8 -foot Buffer	Denial
5-foot Buffer along a east property line	15 -foot Buffer	Denial

ANALYSIS

The C-1 (Limited Commercial) zone is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial category of the General Plan. The location of the subject site meets all of the above

criteria, but the site itself is ill-suited to this zone, and would be more appropriately zoned for P-R (Professional Office and Parking). The site does not meet the 100-foot minimum lot width required for a rezoning to C-1 (Limited Commercial), and therefore a related Variance (VAR-17191) must be approved in order to permit this request. The proposed site plan further requires waivers of the perimeter landscape buffer widths on the east and west property lines in order to allow a 5-foot buffer where a 15-foot and an 8-foot buffer is required, respectively and additional Variances as it fails to meet the requirements for residential adjacency, front yard, and rear yard setbacks. Therefore, staff recommends denial of this request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The proposed C-1 (Limited Commercial) zone is in conformance with SC (Service Commercial) General Plan designation.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

The purpose of the C-1 (Limited Commercial) zoning district is to provide commercial land uses that are less intense in nature, and may be appropriate for mixed-use developments. As the property is proposed to front Decatur Boulevard, a 100-foot Primary Arterial, the subject site will be compatible with development along Decatur Boulevard. However, the property still abuts residential uses on Mountain View Drive, and requires a Variance for residential adjacency for the trash enclosure and setback. Therefore this request is not compatible with surrounding land uses.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

While the General Plan calls for the lot to ultimately be converted to commercial use, the size, shape and other constraints on the lot make it insufficient to support the proposed development appropriately.

4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

Decatur Boulevard, a 100-foot Primary Arterial, is sufficient to meet the access needs of the proposed zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 215 by Planning and Development Dept

APPROVALS 0

PROTESTS 0